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7

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 MARIAM BLUE, individually, and as Special  
Administrator of the Estate of STEPHEN  
11 BURRELL; LISA L. CARROLL on behalf of her  
wards SMB, and SFB, individually,  
12

13 Plaintiffs,

14 vs.

15 CITY OF LAS VEGAS, a political subdivision of  
the State of Nevada; MICHELE FREEMAN,  
Former Chief of City of Las Vegas Department of  
16 Public Safety, in her official and individual  
capacities, ROBERT STRAUBE, Deputy Chief of  
17 Detention Services for City of Las Vegas  
Department of Public Safety, LIEUTENANT  
18 SHARON MEADS, LIEUTENANT CESAR  
LANDROVE, LIEUTENANT VENUS  
19 THOMPSON, LIEUTENANT DANIELLE  
DAVIS, in their official and individual capacities,  
20 WELLPATH CARE, F/K/A CORRECT CARE  
SOLUTIONS, individually; OFFICER DORADO,  
21 individually; OFFICER D. CHAPARRO,  
individually; OFFICER M. WASHINGTON,  
22 individually; SGT M. PARKER, individually;  
SGT. C. SMITH, individually; SGT. WEDIG,  
23 individually; SHAWN MAPLETON, individually;  
MICHAEL POPOV, individually; VIRGILIO  
24 PADILLA, individually; FRANCES  
BODDIESMALL, individually;  
25 EBONYMICHELLE D GARNER, individually;  
PSYCH RN DEE, individually; REGINA  
26 ELIZONDO, individually, and DOES 1-35,  
inclusive all of whom are sued in their individual  
27 capacities,

28 Defendants.

CASE NO. 2:21-cv-0372-RFB-DJA  
**CITY DEFENDANTS' ANSWER  
TO COMPLAINT FOR  
DAMAGES**

COMES NOW, the City of Las Vegas and Michele Freeman, Robert Straube, Lieutenant Sharon Meads, Lieutenant Cesar Landrove, Lieutenant Venus Thompson, Lieutenant Danielle Davis, Officer Richard Dorado, Officer D'angelo Chaparro-Wilson, Officer Maurice Washington, Sergeant Marcos Parker, Sergeant Charles Smith, Sergeant John Wedig (hereinafter collectively referred to as "City Defendants"), by and through its attorneys, Bryan K. Scott, City Attorney and Jeffrey L. Galliher, Deputy City Attorney, and hereby submits its Answer to Plaintiffs' Complaint for Damages.

### **INTRODUCTION**

1. Answering paragraph 1 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

2. Answering paragraph 2 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

3. Answering paragraph 3 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

4. Answering paragraph 4 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

### **PARTIES**

5. Answering paragraph 5 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

1           6.       Answering paragraph 6 of Plaintiffs' Complaint on file herein, City Defendants  
2 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
3 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

4           7.       Answering paragraph 7 of Plaintiffs' Complaint on file herein, City Defendants  
5 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
6 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

7           8.       Answering paragraph 8 of Plaintiffs' Complaint on file herein, City Defendants  
8 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
9 allegations contained therein, and for that reason, denies each and every allegation in its entirety.  
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11           9.       Answering paragraph 9 of Plaintiffs' Complaint on file herein, City Defendants  
12 admit the allegations contained therein.

13           10.      Answering paragraph 10 of Plaintiffs' Complaint on file herein, City Defendants  
14 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
15 allegations contained therein, and for that reason, denies each and every allegation in its entirety.  
16

17           11.      Answering paragraph 11 of Plaintiffs' Complaint on file herein, City Defendants  
18 aver that the allegations state a legal conclusion to which no answer is required. As to any  
19 response required, City Defendants deny the allegations contained therein.

20           12.      Answering paragraph 12 of Plaintiffs' Complaint on file herein, City Defendants  
21 aver that the allegations state a legal conclusion to which no answer is required. As to any  
22 response required, City Defendants deny the allegations contained therein.

23           13.      Answering paragraph 13 of Plaintiffs' Complaint on file herein, City Defendants  
24 aver that the allegations state a legal conclusion to which no answer is required. As to any  
25 response required, City Defendants deny the allegations contained therein.  
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27           14.      Answering paragraph 14 of Plaintiffs' Complaint on file herein, City Defendants  
28 are without sufficient knowledge or information to form a belief as to the truth or falsity of the

1 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

2 15. Answering paragraph 15 of Plaintiffs' Complaint on file herein, City Defendants  
3 aver that the allegations state a legal conclusion to which no answer is required. As to any  
4 response required, City Defendants deny the allegations contained therein.

5 16. Answering paragraph 16 of Plaintiffs' Complaint on file herein, City Defendants  
6 admit the allegations contained therein.

7 17. Answering paragraph 17 of Plaintiffs' Complaint on file herein, City Defendants  
8 aver that the allegations state a legal conclusion to which no answer is required. As to any  
9 response required, City Defendants deny the allegations contained therein.  
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11 18. Answering paragraph 18 of Plaintiffs' Complaint on file herein, City Defendants  
12 aver that the allegations state a legal conclusion to which no answer is required. As to any  
13 response required, City Defendants deny the allegations contained therein.

14 19. Answering paragraph 19 of Plaintiffs' Complaint on file herein, City Defendants  
15 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
16 allegations contained therein, and for that reason, denies each and every allegation in its entirety.  
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18 20. Answering paragraph 20 of Plaintiffs' Complaint on file herein, City Defendants  
19 admit the allegations contained therein.

20 21. Answering paragraph 21 of Plaintiffs' Complaint on file herein, City Defendants  
21 aver that the allegations state a legal conclusion to which no answer is required. As to any  
22 response required, City Defendants deny the allegations contained therein.

23 22. Answering paragraph 22 of Plaintiffs' Complaint on file herein, City Defendants  
24 aver that the allegations state a legal conclusion to which no answer is required. As to any  
25 response required, City Defendants deny the allegations contained therein.  
26

27 23. Answering paragraph 23 of Plaintiffs' Complaint on file herein, City Defendants  
28 aver that the allegations state a legal conclusion to which no answer is required. As to any

1 response required, City Defendants deny the allegations contained therein.

2 24. Answering paragraph 24 of Plaintiffs' Complaint on file herein, City Defendants  
3 aver that the allegations state a legal conclusion to which no answer is required. As to any  
4 response required, City Defendants deny the allegations contained therein.

5 25. Answering paragraph 25 of Plaintiffs' Complaint on file herein, City Defendants  
6 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
7 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

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9 **JURISDICTION AND VENUE**

10 26. Answering paragraph 26 of Plaintiffs' Complaint on file herein, City Defendants  
11 aver that the allegations state a legal conclusion to which no answer is required. As to any  
12 response required, City Defendants deny the allegations contained therein.

13 27. Answering paragraph 27 of Plaintiffs' Complaint on file herein, City Defendants  
14 aver that the allegations state a legal conclusion to which no answer is required. As to any  
15 response required, City Defendants deny the allegations contained therein.

16  
17 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

18 28. Answering paragraph 28 of Plaintiffs' Complaint on file herein, City Defendants  
19 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
20 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

21 29. Answering paragraph 29 of Plaintiffs' Complaint on file herein, City Defendants  
22 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
23 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

24 30. Answering paragraph 30 of Plaintiffs' Complaint on file herein, City Defendants  
25 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
26 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

27 31. Answering paragraph 31 of Plaintiffs' Complaint on file herein, City Defendants  
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1 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
2 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

3 32. Answering paragraph 32 of Plaintiffs' Complaint on file herein, City Defendants  
4 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
5 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

6 33. Answering paragraph 33 of Plaintiffs' Complaint on file herein, City Defendants  
7 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
8 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

9 34. Answering paragraph 34 of Plaintiffs' Complaint on file herein, City Defendants  
10 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
11 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

12 35. Answering paragraph 35 of Plaintiffs' Complaint on file herein, City Defendants  
13 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
14 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

15 36. Answering paragraph 36 of Plaintiffs' Complaint on file herein, City Defendants  
16 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
17 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

18 37. Answering paragraph 37 of Plaintiffs' Complaint on file herein, City Defendants  
19 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
20 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

21 38. Answering paragraph 38 of Plaintiffs' Complaint on file herein, City Defendants  
22 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
23 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

24 39. Answering paragraph 39 of Plaintiffs' Complaint on file herein, City Defendants  
25 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
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1 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

2 40. Answering paragraph 40 of Plaintiffs' Complaint on file herein, City Defendants  
3 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
4 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

5 41. Answering paragraph 41 of Plaintiffs' Complaint on file herein, City Defendants  
6 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
7 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

8 42. Answering paragraph 42 of Plaintiffs' Complaint on file herein, City Defendants  
9 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
10 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

11 43. Answering paragraph 43 of Plaintiffs' Complaint on file herein, City Defendants  
12 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
13 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

14 44. Answering paragraph 44 of Plaintiffs' Complaint on file herein, City Defendants  
15 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
16 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

17 45. Answering paragraph 45 of Plaintiffs' Complaint on file herein, City Defendants  
18 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
19 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

20 46. Answering paragraph 46 of Plaintiffs' Complaint on file herein, City Defendants  
21 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
22 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

23 47. Answering paragraph 47 of Plaintiffs' Complaint on file herein, City Defendants  
24 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
25 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

1           48.     Answering paragraph 48 of Plaintiffs' Complaint on file herein, City Defendants  
2     are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
3     allegations contained therein, and for that reason, denies each and every allegation in its entirety.

4           49.     Answering paragraph 49 of Plaintiffs' Complaint on file herein, City Defendants  
5     are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
6     allegations contained therein, and for that reason, denies each and every allegation in its entirety.

7           50.     Answering paragraph 50 of Plaintiffs' Complaint on file herein, City Defendants  
8     are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
9     allegations contained therein, and for that reason, denies each and every allegation in its entirety.  
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11          51.     Answering paragraph 51 of Plaintiffs' Complaint on file herein, City Defendants  
12     are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
13     allegations contained therein, and for that reason, denies each and every allegation in its entirety.

14          52.     Answering paragraph 52 of Plaintiffs' Complaint on file herein, City Defendants  
15     are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
16     allegations contained therein, and for that reason, denies each and every allegation in its entirety.  
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18          53.     Answering paragraph 53 of Plaintiffs' Complaint on file herein, City Defendants  
19     are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
20     allegations contained therein, and for that reason, denies each and every allegation in its entirety.

21          54.     Answering paragraph 54 of Plaintiffs' Complaint on file herein, City Defendants  
22     are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
23     allegations contained therein, and for that reason, denies each and every allegation in its entirety.  
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25          55.     Answering paragraph 55 of Plaintiffs' Complaint on file herein, City Defendants  
26     are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
27     allegations contained therein, and for that reason, denies each and every allegation in its entirety.

28          56.     Answering paragraph 56 of Plaintiffs' Complaint on file herein, City Defendants



1 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
2 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

3 57. Answering paragraph 57 of Plaintiffs' Complaint on file herein, City Defendants  
4 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
5 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

6 58. Answering paragraph 58 of Plaintiffs' Complaint on file herein, City Defendants  
7 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
8 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

9 59. Answering paragraph 59 of Plaintiffs' Complaint on file herein, City Defendants  
10 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
11 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

12 60. Answering paragraph 60 of Plaintiffs' Complaint on file herein, City Defendants  
13 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
14 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

15 61. Answering paragraph 61 of Plaintiffs' Complaint on file herein, City Defendants  
16 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
17 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

18 62. Answering paragraph 62 of Plaintiffs' Complaint on file herein, City Defendants  
19 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
20 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

21 63. Answering paragraph 63 of Plaintiffs' Complaint on file herein, City Defendants  
22 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
23 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

24 64. Answering paragraph 64 of Plaintiffs' Complaint on file herein, City Defendants  
25 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
26 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

allegations contained therein, and for that reason, denies each and every allegation in its entirety.

65. Answering paragraph 65 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

66. Answering paragraph 66 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

67. Answering paragraph 67 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

68. Answering paragraph 68 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

### **FIRST CLAIM FOR RELIEF**

#### **SUBSTANTIVE DUE PROCESS (42 U.S.C. § 1983)**

#### **VIOLATION OF FOURTEENTH AMENDMENT-**

#### **DEPRIVATION OF DUE PROCESS AND FAMILIAL RELATIONSHIPS (SPECIAL) ADMINISTRATOR v. ALL DEFENDANTS)**

69. Answering paragraph 69 of Plaintiffs' Complaint on file herein, City Defendants hereby incorporate the admissions, denials and allegations of paragraphs 1 through 68 as if fully set forth herein.

70. Answering paragraph 70 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

71. Answering paragraph 71 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any

1 response required, City Defendants deny the allegations contained therein.

2 72. Answering paragraph 72 of Plaintiffs' Complaint on file herein, City Defendants  
3 aver that the allegations state a legal conclusion to which no answer is required. As to any  
4 response required, City Defendants deny the allegations contained therein.

5 73. Answering paragraph 73 of Plaintiffs' Complaint on file herein, City Defendants  
6 aver that the allegations state a legal conclusion to which no answer is required. As to any  
7 response required, City Defendants deny the allegations contained therein.

8 74. Answering paragraph 74 of Plaintiffs' Complaint on file herein, City Defendants  
9 aver that the allegations state a legal conclusion to which no answer is required. As to any  
10 response required, City Defendants deny the allegations contained therein.

11 75. Answering paragraph 75 of Plaintiffs' Complaint on file herein, City Defendants  
12 aver that the allegations state a legal conclusion to which no answer is required. As to any  
13 response required, City Defendants deny the allegations contained therein.

14 76. Answering paragraph 76 of Plaintiffs' Complaint on file herein, City Defendants  
15 aver that the allegations state a legal conclusion to which no answer is required. As to any  
16 response required, City Defendants deny the allegations contained therein.

17 77. Answering paragraph 77 of Plaintiffs' Complaint on file herein, City Defendants  
18 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
19 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

## 20 **SECOND CLAIM FOR RELIEF**

### 21 **SUBSTANTIVE DUE PROCESS (42 U.S.C. § 1983)**

### 22 **VIOLATION OF FOURTEENTH AMENDMENT-**

### 23 **DEPRIVATION OF DUE PROCESS AND FAMILIAL RELATIONSHIPS**

### 24 **(SMB and SFB v. ALL DEFENDANTS)**

25 78. Answering paragraph 78 of Plaintiffs' Complaint on file herein, City Defendants  
26 hereby incorporate the admissions, denials and allegations of paragraphs 1 through 77 as if fully  
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1 set forth herein.

2 79. Answering paragraph 79 of Plaintiffs' Complaint on file herein, City Defendants  
3 aver that the allegations state a legal conclusion to which no answer is required. As to any  
4 response required, City Defendants deny the allegations contained therein.

5 80. Answering paragraph 80 of Plaintiffs' Complaint on file herein, City Defendants  
6 aver that the allegations state a legal conclusion to which no answer is required. As to any  
7 response required, City Defendants deny the allegations contained therein.

8 81. Answering paragraph 81 of Plaintiffs' Complaint on file herein, City Defendants  
9 aver that the allegations state a legal conclusion to which no answer is required. As to any  
10 response required, City Defendants deny the allegations contained therein.

11 82. Answering paragraph 82 of Plaintiffs' Complaint on file herein, City Defendants  
12 aver that the allegations state a legal conclusion to which no answer is required. As to any  
13 response required, City Defendants deny the allegations contained therein.

14 83. Answering paragraph 83 of Plaintiffs' Complaint on file herein, City Defendants  
15 aver that the allegations state a legal conclusion to which no answer is required. As to any  
16 response required, City Defendants deny the allegations contained therein.

17 84. Answering paragraph 84 of Plaintiffs' Complaint on file herein, City Defendants  
18 aver that the allegations state a legal conclusion to which no answer is required. As to any  
19 response required, City Defendants deny the allegations contained therein.

20 85. Answering paragraph 85 of Plaintiffs' Complaint on file herein, City Defendants  
21 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
22 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

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26 **THIRD CLAIM FOR RELIEF**

27 **MUNICIPAL LIABILITY FOR UNCONSTITUTIONAL CUSTOM OR POLICY IN**  
28 **VIOLATION OF THE FOURTEENTH AMENDMENT DUE PROCESS CLAUSE**

## (42 U.S.C. § 1983)

**(SPECIAL ADMINISTRATOR V. CITY OF LAS VEGAS and SUPERVISORY  
DEFENDANTS)**

86. Answering paragraph 86 of Plaintiffs' Complaint on file herein, City Defendants hereby incorporate the admissions, denials and allegations of paragraphs 1 through 85 as if fully set forth herein.

87. Answering paragraph 87 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

88. Answering paragraph 88 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

89. Answering paragraph 89 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

90. Answering paragraph 90 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

91. Answering paragraph 91 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

92. Answering paragraph 92 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

93. Answering paragraph 93 of Plaintiffs' Complaint on file herein, City Defendants

1 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
2 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

3 94. Answering paragraph 94 of Plaintiffs' Complaint on file herein, City Defendants  
4 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
5 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

6 95. Answering paragraph 95 of Plaintiffs' Complaint on file herein, City Defendants  
7 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
8 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

9 96. Answering paragraph 96 of Plaintiffs' Complaint on file herein, City Defendants  
10 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
11 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

12 97. Answering paragraph 97 of Plaintiffs' Complaint on file herein, City Defendants  
13 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
14 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

15 98. Answering paragraph 98 of Plaintiffs' Complaint on file herein, City Defendants  
16 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
17 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

18 99. Answering paragraph 99 of Plaintiffs' Complaint on file herein, City Defendants  
19 aver that the allegations state a legal conclusion to which no answer is required. As to any  
20 response required, City Defendants deny the allegations contained therein.

21 100. Answering paragraph 100 of Plaintiffs' Complaint on file herein, City Defendants  
22 aver that the allegations state a legal conclusion to which no answer is required. As to any  
23 response required, City Defendants deny the allegations contained therein.

24 101. Answering paragraph 101 of Plaintiffs' Complaint on file herein, City Defendants  
25 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
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allegations contained therein, and for that reason, denies each and every allegation in its entirety.

#### **FOURTH CLAIM FOR RELIEF**

##### **DISABILITY DISCRIMINATION**

**§ 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a), Title II of the  
Americans with Disabilities Act, 42 U.S.C. § 12131, et. Seq.  
(SPECIAL ADMINISTRATOR V. CITY OF LAS VEGAS)**

102. Answering paragraph 102 of Plaintiffs' Complaint on file herein, City Defendants hereby incorporate the admissions, denials and allegations of paragraphs 1 through 101 as if fully set forth herein.

103. Answering paragraph 103 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

104. Answering paragraph 104 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

105. Answering paragraph 105 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

106. Answering paragraph 106 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

107. Answering paragraph 107 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

108. Answering paragraph 108 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any

1 response required, City Defendants deny the allegations contained therein.

2 109. Answering paragraph 109 of Plaintiffs' Complaint on file herein, City Defendants  
3 aver that the allegations state a legal conclusion to which no answer is required. As to any  
4 response required, City Defendants deny the allegations contained therein.

5 110. Answering paragraph 110 of Plaintiffs' Complaint on file herein, City Defendants  
6 aver that the allegations state a legal conclusion to which no answer is required. As to any  
7 response required, City Defendants deny the allegations contained therein.

8 111. Answering paragraph 111 of Plaintiffs' Complaint on file herein, City Defendants  
9 aver that the allegations state a legal conclusion to which no answer is required. As to any  
10 response required, City Defendants deny the allegations contained therein.

11 112. Answering paragraph 112 of Plaintiffs' Complaint on file herein, City Defendants  
12 aver that the allegations state a legal conclusion to which no answer is required. As to any  
13 response required, City Defendants deny the allegations contained therein.

14 113. Answering paragraph 113 of Plaintiffs' Complaint on file herein, City Defendants  
15 aver that the allegations state a legal conclusion to which no answer is required. As to any  
16 response required, City Defendants deny the allegations contained therein.

17 114. Answering paragraph 114 of Plaintiffs' Complaint on file herein, City Defendants  
18 aver that the allegations state a legal conclusion to which no answer is required. As to any  
19 response required, City Defendants deny the allegations contained therein.

20 115. Answering paragraph 115 of Plaintiffs' Complaint on file herein, City Defendants  
21 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
22 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

23 116. Answering paragraph 116 of Plaintiffs' Complaint on file herein, City Defendants  
24 aver that the allegations state a legal conclusion to which no answer is required. As to any  
25 response required, City Defendants deny the allegations contained therein.



1           117. Answering paragraph 117 of Plaintiffs' Complaint on file herein, City Defendants  
2           aver that the allegations state a legal conclusion to which no answer is required. As to any  
3           response required, City Defendants deny the allegations contained therein.

4           118. Answering paragraph 118 of Plaintiffs' Complaint on file herein, City Defendants  
5           aver that the allegations state a legal conclusion to which no answer is required. As to any  
6           response required, City Defendants deny the allegations contained therein.

7           119. Answering paragraph 119 of Plaintiffs' Complaint on file herein, City Defendants  
8           are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
9           allegations contained therein, and for that reason, denies each and every allegation in its entirety.

10          120. Answering paragraph 120 of Plaintiffs' Complaint on file herein, City Defendants  
11          are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
12          allegations contained therein, and for that reason, denies each and every allegation in its entirety.

13          121. Answering paragraph 121 of Plaintiffs' Complaint on file herein, City Defendants  
14          are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
15          allegations contained therein, and for that reason, denies each and every allegation in its entirety.

16          122. Answering paragraph 122 of Plaintiffs' Complaint on file herein, City Defendants  
17          are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
18          allegations contained therein, and for that reason, denies each and every allegation in its entirety.

19          123. Answering paragraph 123 of Plaintiffs' Complaint on file herein, City Defendants  
20          are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
21          allegations contained therein, and for that reason, denies each and every allegation in its entirety.

22          124. Answering paragraph 124 of Plaintiffs' Complaint on file herein, City Defendants  
23          are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
24          allegations contained therein, and for that reason, denies each and every allegation in its entirety.

25          125. Answering paragraph 125 of Plaintiffs' Complaint on file herein, City Defendants  
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1 aver that the allegations state a legal conclusion to which no answer is required. As to any  
2 response required, City Defendants deny the allegations contained therein.

3 126. Answering paragraph 126 of Plaintiffs' Complaint on file herein, City Defendants  
4 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
5 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

6 127. Answering paragraph 127 of Plaintiffs' Complaint on file herein, City Defendants  
7 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
8 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

9 128. Answering paragraph 128 of Plaintiffs' Complaint on file herein, City Defendants  
10 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
11 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

12 129. Answering paragraph 129 of Plaintiffs' Complaint on file herein, City Defendants  
13 aver that the allegations state a legal conclusion to which no answer is required. As to any  
14 response required, City Defendants deny the allegations contained therein.

15 130. Answering paragraph 130 of Plaintiffs' Complaint on file herein City Defendants  
16 aver that the allegations state a legal conclusion to which no answer is required. As to any  
17 response required, City Defendants deny the allegations contained therein.

18 131. Answering paragraph 131 of Plaintiffs' Complaint on file herein, City Defendants  
19 aver that the allegations state a legal conclusion to which no answer is required. As to any  
20 response required, City Defendants deny the allegations contained therein.

21 132. Answering paragraph 132 of Plaintiffs' Complaint on file herein, City Defendants  
22 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
23 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

24 133. Answering paragraph 133 of Plaintiffs' Complaint on file herein, City Defendants  
25 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
26  
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allegations contained therein, and for that reason, denies each and every allegation in its entirety.

134. Answering paragraph 134 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

135. Answering paragraph 135 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

136. Answering paragraph 136 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

137. Answering paragraph 137 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

138. Answering paragraph 138 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

139. Answering paragraph 139 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

140. Answering paragraph 140 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

### **FIFTH CLAIM FOR RELIEF**

#### **DISABILITY DISCRIMINATION**

#### **MUNICIPAL LIABILITY – FAILURE TO TRAIN (42 U.S.C. § 1983)**

**(SPECIAL ADMINISTRATOR V. CITY OF LAS VEGAS and SUPERVISORY  
DEFENDANTS)**

141. Answering paragraph 141 of Plaintiffs' Complaint on file herein, City Defendants hereby incorporate the admissions, denials and allegations of paragraphs 1 through 140 as if fully set forth herein.

142. Answering paragraph 142 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

143. Answering paragraph 143 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

144. Answering paragraph 144 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

145. Answering paragraph 145 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

146. Answering paragraph 146 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

147. Answering paragraph 147 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

148. Answering paragraph 148 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the

1 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

2 149. Answering paragraph 149 of Plaintiffs' Complaint on file herein, City Defendants  
3 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
4 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

5 150. Answering paragraph 150 of Plaintiffs' Complaint on file herein, City Defendants  
6 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
7 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

8 151. Answering paragraph 151 of Plaintiffs' Complaint on file herein, City Defendants  
9 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
10 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

11 152. Answering paragraph 152 of Plaintiffs' Complaint on file herein, City Defendants  
12 aver that the allegations state a legal conclusion to which no answer is required. As to any  
13 response required, City Defendants deny the allegations contained therein.

14 153. Answering paragraph 153 of Plaintiffs' Complaint on file herein, City Defendants  
15 aver that the allegations state a legal conclusion to which no answer is required. As to any  
16 response required, City Defendants deny the allegations contained therein.

17 154. Answering paragraph 154 of Plaintiffs' Complaint on file herein, City Defendants  
18 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
19 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

20 155. Answering paragraph 155 of Plaintiffs' Complaint on file herein, City Defendants  
21 aver that the allegations state a legal conclusion to which no answer is required. As to any  
22 response required, City Defendants deny the allegations contained therein.

23 156. Answering paragraph 156 of Plaintiffs' Complaint on file herein, City Defendants  
24 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
25 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

157. Answering paragraph 157 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

158. Answering paragraph 158 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

### **FIFTH (SIC) CLAIM FOR RELIEF**

#### **MUNICIPAL LIABILITY – RATIFICATION (42 U.S.C. § 1983) (PLAINTIFFS v. CITY OF LAS VEGAS and SUPERVISORY DEFENDANTS)**

159. Answering paragraph 159 of Plaintiffs' Complaint on file herein, City Defendants hereby incorporate the admissions, denials and allegations of paragraphs 1 through 158 as if fully set forth herein.

160. Answering paragraph 160 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

161. Answering paragraph 161 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

162. Answering paragraph 162 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

163. Answering paragraph 163 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

164. Answering paragraph 164 of Plaintiffs' Complaint on file herein, City Defendants

1 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
2 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

3 165. Answering paragraph 165 of Plaintiffs' Complaint on file herein, City Defendants  
4 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
5 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

6 166. Answering paragraph 166 of Plaintiffs' Complaint on file herein, City Defendants  
7 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
8 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

9 167. Answering paragraph 167 of Plaintiffs' Complaint on file herein, City Defendants  
10 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
11 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

12 168. Answering paragraph 168 of Plaintiffs' Complaint on file herein, City Defendants  
13 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
14 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

15 169. Answering paragraph 169 of Plaintiffs' Complaint on file herein, City Defendants  
16 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
17 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

18 170. Answering paragraph 170 of Plaintiffs' Complaint on file herein, City Defendants  
19 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
20 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

21 171. Answering paragraph 171 of Plaintiffs' Complaint on file herein, City Defendants  
22 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
23 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

24 172. Answering paragraph 172 of Plaintiffs' Complaint on file herein, City Defendants  
25 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
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allegations contained therein, and for that reason, denies each and every allegation in its entirety.

173. Answering paragraph 173 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

174. Answering paragraph 174 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

175. Answering paragraph 175 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

176. Answering paragraph 176 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

### **SIXTH CLAIM FOR RELIEF**

#### **NEGLIGENCE – WRONGFUL DEATH (Nevada State-Law Claim)**

#### **(ALL PLAINTIFFS v. ALL DEFENDANTS)**

177. Answering paragraph 177 of Plaintiffs' Complaint on file herein, City Defendants hereby incorporate the admissions, denials and allegations of paragraphs 1 through 176 as if fully set forth herein.

178. Answering paragraph 178 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

179. Answering paragraph 179 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.



1           180. Answering paragraph 180 of Plaintiffs' Complaint on file herein, City Defendants  
2 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
3 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

4           181. Answering paragraph 181 of Plaintiffs' Complaint on file herein, City Defendants  
5 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
6 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

7           182. Answering paragraph 182 of Plaintiffs' Complaint on file herein, City Defendants  
8 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
9 allegations contained therein, and for that reason, denies each and every allegation in its entirety.  
10

11           183. Answering paragraph 183 of Plaintiffs' Complaint on file herein, City Defendants  
12 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
13 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

14           184. Answering paragraph 184 of Plaintiffs' Complaint on file herein, City Defendants  
15 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
16 allegations contained therein, and for that reason, denies each and every allegation in its entirety.  
17

18           185. Answering paragraph 185 of Plaintiffs' Complaint on file herein, City Defendants  
19 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
20 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

21           186. Answering paragraph 186 of Plaintiffs' Complaint on file herein, City Defendants  
22 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
23 allegations contained therein, and for that reason, denies each and every allegation in its entirety.  
24

25           187. Answering paragraph 187 of Plaintiffs' Complaint on file herein, City Defendants  
26 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
27 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

28           188. Answering paragraph 188 of Plaintiffs' Complaint on file herein, City Defendants

are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

189. Answering paragraph 189 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

190. Answering paragraph 190 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

191. Answering paragraph 191 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

192. Answering paragraph 192 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

193. Answering paragraph 193 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

## **SEVENTH CLAIM FOR RELIEF**

### **NEGLECT OF A VULNERABLE PERSON**

#### **(Nevada State-Law Claim)**

#### **(SPECIAL ADMINISTRATOR v. ALL DEFENDANTS)**

194. Answering paragraph 194 of Plaintiffs' Complaint on file herein, City Defendants hereby incorporate the admissions, denials and allegations of paragraphs 1 through 193 as if fully set forth herein.

195. Answering paragraph 195 of Plaintiffs' Complaint on file herein, City Defendants

1 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
 2 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

3 196. Answering paragraph 196 of Plaintiffs' Complaint on file herein, City Defendants  
 4 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
 5 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

6 197. Answering paragraph 197 of Plaintiffs' Complaint on file herein, City Defendants  
 7 aver that the allegations state a legal conclusion to which no answer is required. As to any  
 8 response required, City Defendants deny the allegations contained therein.

9 198. Answering paragraph 198 of Plaintiffs' Complaint on file herein, City Defendants  
 10 aver that the allegations state a legal conclusion to which no answer is required. As to any  
 11 response required, City Defendants deny the allegations contained therein.

12 199. Answering paragraph 199 of Plaintiffs' Complaint on file herein, City Defendants  
 13 aver that the allegations state a legal conclusion to which no answer is required. As to any  
 14 response required, City Defendants deny the allegations contained therein.

15 200. Answering paragraph 200 of Plaintiffs' Complaint on file herein, City Defendants  
 16 aver that the allegations state a legal conclusion to which no answer is required. As to any  
 17 response required, City Defendants deny the allegations contained therein.

18 201. Answering paragraph 201 of Plaintiffs' Complaint on file herein, City Defendants  
 19 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
 20 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

21 202. Answering paragraph 202 of Plaintiffs' Complaint on file herein, City Defendants  
 22 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
 23 allegations contained therein, and for that reason, denies each and every allegation in its entirety.

## 24 **EIGHTH CLAIM FOR RELIEF**

### 25 **MEDICAL MALPRACTICE (Nevada State-Law Claim)**

**(SPECIAL ADMINISTRATOR v. MEDICAL DEFENDANTS)**

1           203. Answering paragraph 203 of Plaintiffs' Complaint on file herein, City Defendants  
2 hereby incorporate the admissions, denials and allegations of paragraphs 1 through 202 as if fully  
3 set forth herein.  
4

5           204. Answering paragraph 204 of Plaintiffs' Complaint on file herein, City Defendants  
6 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
7 allegations contained therein, and for that reason, denies each and every allegation in its entirety.  
8

9           205. Answering paragraph 205 of Plaintiffs' Complaint on file herein, City Defendants  
10 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
11 allegations contained therein, and for that reason, denies each and every allegation in its entirety.  
12

13           206. Answering paragraph 206 of Plaintiffs' Complaint on file herein, City Defendants  
14 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
15 allegations contained therein, and for that reason, denies each and every allegation in its entirety.  
16

17           207. Answering paragraph 207 of Plaintiffs' Complaint on file herein, City Defendants  
18 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
19 allegations contained therein, and for that reason, denies each and every allegation in its entirety.  
20

21           208. Answering paragraph 208 of Plaintiffs' Complaint on file herein, City Defendants  
22 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
23 allegations contained therein, and for that reason, denies each and every allegation in its entirety.  
24

25           209. Answering paragraph 209 of Plaintiffs' Complaint on file herein, City Defendants  
26 are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
27 allegations contained therein, and for that reason, denies each and every allegation in its entirety.  
28

          210. Answering paragraph 210 of Plaintiffs' Complaint on file herein, City Defendants  
are without sufficient knowledge or information to form a belief as to the truth or falsity of the  
allegations contained therein, and for that reason, denies each and every allegation in its entirety.

211. Answering paragraph 211 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

**NINTH CLAIM OF RELIEF**

**DELIBERATE INDIFFERENCE TO A SERIOUS MEDICAL NEED IN VIOLATION OF  
THE FOURTEENTH AMENDMENT (42 USC § 1983)  
(SPECIAL ADMINISTRATOR v. ALL DEFENDANTS)**

212. Answering paragraph 212 of Plaintiffs' Complaint on file herein, City Defendants hereby incorporate the admissions, denials and allegations of paragraphs 1 through 211 as if fully set forth herein.

213. Answering paragraph 213 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

214. Answering paragraph 214 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

215. Answering paragraph 215 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

216. Answering paragraph 216 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

217. Answering paragraph 217 of Plaintiffs' Complaint on file herein, City Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and for that reason, denies each and every allegation in its entirety.

218. Answering paragraph 218 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

219. Answering paragraph 219 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

220. Answering paragraph 220 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

221. Answering paragraph 221 of Plaintiffs' Complaint on file herein, City Defendants aver that the allegations state a legal conclusion to which no answer is required. As to any response required, City Defendants deny the allegations contained therein.

#### **PRAYER FOR RELIEF**

The remainder of plaintiffs' Complaint contains a Prayer for Relief and not averments of fact of which an answer is required. Insofar as answers are deemed to be required, City of Las Vegas denies each and every allegation contained therein and further denies that plaintiff is entitled to relief or damages in any amount whatsoever.

#### **AFFIRMATIVE DEFENSES**

Without admitting any of the facts alleged in plaintiffs' Complaint, City of Las Vegas hereby submits the following separate and additional defenses, without prejudice to the city's right to argue that plaintiff bears the burden of proof as to one or more of said defenses. Furthermore, all such defenses are pleaded in the alternative and do not constitute an admission of liability or an admission that plaintiff is entitled to any relief whatsoever. City of Las Vegas may have additional affirmative defenses of which it is not currently fully aware and reserves the right to assert additional affirmative defenses after they are ascertained.

///

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint fails to state a claim upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

The City of Las Vegas is a political subdivision of the State of Nevada and no award can be made against it as a political subdivision of the State of Nevada in excess of the applicable statutory amount at the time of the alleged incident.

**THIRD AFFIRMATIVE DEFENSE**

Defendant City claims all immunities, defenses, exemptions and limitations on liability given to political subdivisions of the State of Nevada, including without limitation, NRS 41.0305 to 41.039, inclusive.

**FOURTH AFFIRMATIVE DEFENSE**

The City is not subject to suit upon the facts and conclusions as stated in Plaintiff's Complaint by reason of the sovereign immunity of the City of Las Vegas as a political subdivision of the State of Nevada.

**FIFTH AFFIRMATIVE DEFENSE**

The damages, if any, suffered by the Plaintiff were caused in whole or in part or were contributed to by the actions of Plaintiff.

**SIXTH AFFIRMATIVE DEFENSE**

The damages sustained by Plaintiff, if any, were caused by the acts of their persons who are not agents, servants or employees of the City and who were not acting on behalf of the City in any manner or form.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint and each cause of action therein is barred by the doctrine of laches.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint and each cause of action therein is barred by the doctrine of waiver.

**NINTH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint and each cause of action therein is barred by the doctrine of estoppel.

**TENTH AFFIRMATIVE DEFENSE**

Plaintiff and those legally responsible for them at the time of the alleged incident were cognizant of all facts, circumstances and conditions which existed at all relevant times mentioned in the Complaint and accordingly consented to, permitted, acquiesced, encouraged and/or voluntarily assumed the risk and responsibility therefrom and intended thereto.

**ELEVENTH AFFIRMATIVE DEFENSE**

Pursuant to NRCP 11, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendant's answer, therefore, this answering Defendant reserves the right to amend its Answer to allege additional affirmative defenses if subsequent investigation so warrants.

WHEREFORE, Defendant City of Las Vegas requests that Plaintiffs take nothing by way of their Complaint on file herein and that Defendant City of Las Vegas be awarded its costs and reasonable attorney's fees.

DATED this 29 day of March, 2021.

BRYAN K. SCOTT  
City Attorney

By: */s/ Jeffrey Galliher*

JEFFREY L. GALLIHER  
Deputy City Attorney  
Nevada Bar No. 8078  
495 South Main Street, Sixth Floor  
Las Vegas, NV 89101  
Attorneys for City Defendants



**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2021, I served a true and correct copy of the foregoing City Defendants' Answer to Complaint for Damages through the CM/ECF system of the United States District Court for the District of Nevada (or, if necessary, by United States Mail at Las Vegas, Nevada, postage fully prepaid) upon the following:

Julie Raye, Esq.  
THE GRACE LAW FIRM  
8530 West Charleston Boulevard, #100  
Las Vegas, NV 89117  
Attorneys for Plaintiffs

Peter Goldstein, Esq.  
LAW OFFICES OF PETER GOLDSTEIN  
10161 Park Run Drive, #150  
Las Vegas, NV 89145  
Attorneys for Plaintiffs

*/s/ Kelli Hansen*

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AN EMPLOYEE OF THE CITY OF LAS VEGAS